

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES
SEPTEMBER 16, 2104**

Town of Andover
36 Bartlet Street
3rd Floor Conference Room
7:45pm

Conservation Members in Attendance:

Chairman Kevin Porter, Commissioner Alix Driscoll, Commissioner Ellen Townson, Jon Honea, Commissioner Floyd Greenwood and Commissioner Philip Sutherland. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

Linda Road, Rocky Hill Road and Black Horse Lane

Staff Recommendation: Approve

Present in Interest: Brad Holmes

Public Hearing on a Request for Determination of Applicability filed by Columbia Gas of MA under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed extension of a gas main at **Linda Road, Rocky Hill Road and Black Horse Lane**.

Bob Douglas presented this to the Commission. This is a routine filing for a new pipe lying project within the roadway. There is protocol with a number of proactive measures in place. Only a portion of the project, Main Street and Linda Road, that is within our jurisdiction. The pipe is 4-6" wide for residential use only.

Chairman Porter asked for a Motion. Commissioner Driscoll made a Motion to Approve under both the WPA and the By-Law; it was seconded by Commissioner Greenwood and unanimously approved.

39 Porter Road

Staff Recommendation: Approve as Pos.2a, confirming flags 1A through 9A inclusive and 15A and 14A; Neg. 2 and Neg.3.

Present in Interest: Bill McLeod

Public Hearing on a Request for Determination of Applicability filed by Fieldstone Meadows Development Corp. under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed construction of an addition to the existing dwelling with appurtenant minor lot grading, driveway and utilities at **39 Porter Road.**

Agent Cleary presented this to the Commission. The filing is under the WPA only and meets all out setback requirements under the By-Law. Most of the work is outside the 50 foot no-build zone. Staff has requested that flagging in the field be resurveyed to comport to flagging changes reflected on the approved plan. The flagging to remain visible until the Satisfactory Completion of Work Certificate is issued.

Chairman Porter asked for a Motion. Commissioner Driscoll made a Motion to Approve as Pos.2a, confirming flags 1A through 9A inclusive and 15A and 14A, Neg.2 and Neg.3; it was seconded by Commissioner Greenwood and unanimously approved.

4 Delphi Circle

Staff Recommendation: Approve as Neg.3

Present in Interest: Henrick Jensen

Public Hearing on a Request for Determination of Applicability filed by Astrid Ravnborg Nielsen under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed construction of a deck and patio at **4 Delphi Circle.**

Agent Cleary presented this to the Commission. The filing is under the WPA only for the construction of a deck on sona tubes. The deck is greater than 50 feet from the wetland with very little earth disturbance. Applicant has provided documentation from FEMA that the area of work has been removed by FEMA from the Flood Zone. This will be 2 tier deck with the top tier being constructed on top of the existing porch and the bottom on the existing patio.

Chairman Porter asked for a Motion. Commissioner Driscoll made a Motion to Approve as Neg.3; it was seconded by Commissioner Greenwood and unanimously approved.

100 Federal Street

Staff Recommendation: Approve as Neg.3.

Public Hearing on a Request for Determination of Applicability filed by David Cavanaugh-Comcast under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed installation of a 1-4" PVC conduit from the existing CATV pedestal at **100 Federal Street.**

Mr. Douglas presented this to the Commission. There will be some work within the buffer zone, but the pipe will only be buried about 24 inches down along the roadway.

Chairman Porter asked for a Motion. Commissioner Driscoll made a Motion to Approve as Neg.3; it was seconded by Commissioner Greenwood and unanimously approved.

500-800 Federal Street

Staff Recommendation: Approve as Neg.3

Public Hearing on a Request for Determination of Applicability filed by David Cavanaugh-Comcast under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed installation of a 1-4" PVC conduit from the existing CATV pedestal at **500-800 Federal Street.**

Mr. Douglas presented this to the Commission. Mr. Douglas presented this to the Commission. There will be some work within the buffer zone, but the pipe will only be buried about 24 inches down along the roadway.

Chairman Porter asked for a Motion. Commissioner Driscoll made a Motion to Approve as Neg.3; it was seconded by Commissioner Greenwood and unanimously approved.

8 Cottage Road

Staff Recommendation: Close Public Hearing and Issue OOC

Present in Interest: Bill McLeod and Eva Marie Flower

Public Hearing on a Request for an Order of Conditions filed by Janet Mitchell under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed construction of a single family dwelling at **8 Cottage Road.**

Mr. Douglas presented this to the Commission. This was continued from September 8, 2014 for a site visit. This site visit took place and confirmed the wetland line with only 6 minor modifications, which resulted in a 3 foot change. The Applicant also curved the line, as discussed September 8th, as to preserve the tree cover to screen a neighbor. The 25 foot setback is met.

Eva Marie Flower questioned if the trees shown on the 25 foot no-disturb line will remain. If a tree is inside the 25 foot no-disturb it is taken down, if on the wetland side, it will remain. There may be additional trees that remain depending on their condition. This will be determined on site.

Chairman Porter asked for a Motion. Commissioner Driscoll made a Motion to Close the public hearing and issue the Order of Conditions; it was seconded by Commissioner Greenwood and unanimously approved.

18 Red Spring Road

Staff Recommendation: Continue

Present in Interest: Chris Huntress and Ellen Keller

Public Hearing on a Notice of Intent filed by Orit Goldstein-Dundee Red Spring LLC under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed construction of an 8 foot wide ADA compliant pedestrian bridge connecting the Dundee Office Park property to 18 Red Spring Road at **18 Red Spring Road**.

Mr. Douglas presented this to the Commission. DEP has no comments yet.

Chris Huntress presented the project to the Commission. The bridge will provide a pedestrian connection from the Dundee Office Park to 18 Red Spring Road. There are previously disturbed areas on both sides of the River. Soil boring has been done. The bridge will be arched black steel with supports, and wide yellow pine planks with destination lights. He provided photos of the existing new abutments and how the bridge will be constructed. The top row of the abutments will be removed and the bridge will span across.

Chairman Porter asked if the bridge would be high enough to avoid flood waters. The bottom elevation of the bridge will be higher than the utility crossing which would allow for flood waters to go underneath.

Commissioner Townson stated that she has seen the flood waters as high as the footings on the Redman Card Building.

Commissioner Driscoll stated this is in the FEMA Zone AE, but questioned if it was in the flood zone.

Commissioner Greenwood asked for a site visit.

Staff asked Mr. Huntress to provide top flood elevation from FEMA compared to bottom elevation of the bridge for the next meeting.

A site visit was scheduled for September 23, 2015 at 8:15am.

Chairman Porter asked for a Motion. Commissioner Driscoll made a Motion to continue to October 7, 2014; it was seconded by Commissioner Greenwood and unanimously approved.

Merrimack College

Staff Recommendation: Close Public Hearing

Present in Interest: Mark Johnson, Chris Lovett, Felipe Schwarz, Janet Bernardo, Joanna Reck, Jennifer Ross, Jeff Raymond, Matt Wilson, John Barry and Scott Wakefield

Continued Public Hearing on a Request for an Amended Order of Conditions filed by **Merrimack College** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-Law, Article XIV, at **Merrimack College**. The proposed change includes the construction of the "North Campus Development".

Mr. Douglas presented this to the Commission. This was continued from August 5, 2014 for a peer review, including responses to abutter's concerns and if design standards and engineering practices have changed since the "banking system" was instituted.

Janet Bernardo presented her findings to the Commission. The original Order of Conditions issued contained the goal of reducing the flooding and ponding on Rock Ridge Road. The original design included 2 detention basins to bank stormwater credits for future development over the next 20 years. The detention basins were over designed and included the Rock Ridge Road neighborhood watershed. The monitoring information provided indicates the basins are catching the runoff, however the Elm Street basin is infiltrating at a slower rate than anticipated. There is a 48" pipe used to direct the flow to the Elm Street basin with 10 subcatchment areas around campus. With the new development and infiltration system, the water coming from Rock Ridge Road will be reduced by 8 cubic feet per second. The Applicant has updated the banking system from 62 cfs to 31.5 cfs after construction of this project. They will be capturing a significant portion of water from Rock Ridge Road into the 48" pipe flowing to the Elm Street basin.

Commissioner Greenwood inquired about the groundwater problems on Rock Ridge Road. Will the construction of this project have a negative impact? Janet responded by stating that the soil does not infiltrate well and the ground water is high in that area. The ground water follows the contours of the surface and will flow through the path of least resistance and continue to do so during rain events. The applicant is required to infiltrate by DEP and they are meeting the minimum required by DEP. The construction of this project would not cause additional problems with water in basements of the neighbors through ground water. There is an existing depression between Merrimack College and the neighbors. Janet confirmed numerous times that there is no scientific evidence that construction of buildings makes ground water rise.

Chairman Porter questioned the runoff from the service entrance roadway adding to the flooding on Rock Ridge Road. DPW can check to determine if the water is missing the catch basins or add another if necessary.

Commissioner Driscoll commented that the area has not been made better. DPW provided only 4 instances since 2009 of complaints about flooding to their department.

Matt Wilson, an abutter, advised the Commission that the Elm Street basin never completely empties between rain events and questioned if it is properly maintained.

Joanna Reck, an abutter, expressed her concern about raising the level of the green. Water from the Sakowitch Center, not the green, and then pools on the green. She is also concerned about the large number of trees coming down.

Chris Lovett stated that there are catch basins on the service road which the college pumps annually. He will have them inspected.

Chairman Porter questioned if there are adequate numbers of catch basins or if they are not placed correctly to catch the runoff.

Scott Wakefield, an abutter, provided a history of flooding instances before the detention basins. He does not believe the runoff is going into the detention basins.

Commissioner Greenwood asked if the peer review by Janet could be extended to include the service roadway runoff and any runoff from the Sakowich Center.

Chairman Porter asked to also include the parking area behind the Sakowich Center, the 2012 dorm project drainage plan and expand to Fox Hill and Rock Ridge.

Mr. Douglas reiterated to the Commission that they need to provide specific questions relating to the project before the Commission. The Commission does not want to reach outside this project. Felipe Schwarz also commented that the only project before the Commission is the Stormwater Master Plan and the banking.

Janet Bernardo will now review drainage from the 2012 dorm expansion project and how this factors into the flooding on Rock Ridge Road and the will impact the new development and review the Elm Street detention basin and if it is supposed to be dry.

Site visit with Janet Bernardo set up for September 24, 2014 at 8:15am.

Chairman Porter asked for a Motion. Commissioner Driscoll made a Motion to continue to October 7, 2014; it was seconded by Commissioner Greenwood and unanimously approved.

ACTION ITEMS:

146 Dascomb Road

Present in Interest: Jaime Anderson

Staff Recommendation: Insignificant.

Request for Finding of Significance for the construction of a manhole 15 feet downstream to connect the existing 4 inch sanitary force main.

Commissioner Honea made a Motion to find the change Insignificant to the Act; it was seconded by Commissioner Driscoll and unanimously approved.

Fosters Pond Hydro-raking

Present in Interest: Steve Cotton

Staff Recommendation: Approve.

Request for Finding of Significance for the Hyrdo-Raking of Foster's Pond to control nuisance vegetation.

Commissioner Driscoll made a Motion to find the approved sites are Insignificant to the WPA; it was seconded by Commissioner Honea and unanimously approved.

CONSENT AGENDA:

Minutes

Approval of minutes from September 2, 2014.

32 Clark Road

Issuance of a Satisfactory Completion of Work Certificate.

15 County Road

Issuance of a Certificate of Compliance.

276 North Main Street

Issuance of a Certificate of Compliance

12 Foster's Pond Road

Issuance of a Satisfactory Completion of Work Certificate.

4 Inwood Lane

Issuance of a Satisfactory Completion of Work Certificate.

Commissioner Driscoll made a Motion to Approve the Consent Agenda; it was seconded by Commissioner Townson and unanimously approved.

LATE/DISCUSSION ITEMS THAT MAY REQUIRE A VOTE:

Overseer Nominations

Kevin Porter and Ellen Townson recused themselves from voting.

James Harvey and Ellen Townson have been approved by the Selectmen as Overseers.

Commissioner Driscoll made a Motion to appoint James Harvey and reappoint Ellen Townson as Overseers; it was seconded by Commissioner Greenwood and unanimously approved.

26 Orchard Street

Discussion of removal of beaver dam at 26 Orchard Street.

Tabled to October 7, 2014.

15 Geneva Road

Update on Order of Conditions issued following an Enforcement Order for unauthorized work.

Order of Conditions allows 3 years to complete the ongoing project.

No action taken.

87 Porter Road

Issuance of Enforcement Order for unauthorized work within the buffer zone. Patio, irrigation system and sod within the buffer zone.

11 Blueberry Circle

Ratification of Emergency Certification issued by the Board of Health.

Tennessee Gas Pipeline

Continued to October 7, 2014.

The next meeting will be held October 7, 2014 at 7:45pm.

The meeting was adjourned at 10:00 pm by Motion of Commissioner Driscoll and seconded by Commissioner Townson and unanimously approved.

Respectfully submitted by,

**Lynn Viselli,
Recording Secretary**